

MINUTES

Blue Earth County Board of Adjustment

Regular Meeting

Wednesday, July 1, 2020

7:00 p.m.

1. CALL TO ORDER

The virtual meeting was called to order at 7:01 p.m. by Chairman Kurt Anderson. Board of Adjustment members participating in the virtual meeting included Kurt Anderson, Bill Anderson, Barry Jacques and Joe Smentek. Staff members Garrett Rohlfing, Scott Salsbury and George Leary also participated.

2. APPROVAL OF MINUTES

Mr. Smentek made a motion to approve the minutes for the May 6, 2020 regular Board of Adjustment meeting. Mr. Jacques seconded the motion and the motion carried unanimously.

3. APPROVAL OF AGENDA

Mr. Leary said there was no change to the agenda.

4. NEW BUSINESS

BOA 06-20

Janet Sands-Anderegg and Andy McGuire (Lawncrafters, LLC) – Request for review and approval of a series of variances that include: A Variance to reduce the required side yard setback from 50 feet to 31 feet and to reduce the required buildable lot area from 1-acre to .29-acre to divide a parcel with an existing house. A Variance to reduce the required side yard setback from 50 feet to 15 feet and the required rear yard setback from 50 feet to 26 feet to divide a parcel with an existing business. The property is located in the Agriculture Zoning District in the Southwest Quarter of the Northwest Quarter of Section 21, LeRay Township. The property has location addresses of 20895 and 20899 610th Ave, Eagle Lake, MN 56024.

Mr. Salsbury presented the staff report.

The applicant participated in the virtual meeting and had no additional comment.

There was no other public comment.

Mr. Smentek asked to move to the findings-of-fact checklist.

The Board moved on with the findings-of-fact checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: Anderegg and McGuire

Date: 07/01/2020

Parcel #: R39.10.21.100.005

Variance Application #: BOA 06-20

The criteria for the granting of a variance are set forth in Chapter 24 of the Blue Earth County Ordinance, Section 24-48(j). Variances will only be issued when the Board of Adjustment answers “Yes” to each of the six questions set forth below.

1. The variance is in harmony with the general purpose and intent of the official control.
All indicated yes. The purpose of the agriculture zoning district is to allow extensive areas to be preserved for agricultural uses. Because the proposal includes existing land uses and will not take any additional cropland out of production, the proposal is consistent with the purpose of the agricultural district.
2. The variance is consistent with the intent of the comprehensive plan.
All indicated yes. The Blue Earth County Land Use Plan, as adopted in 2018, includes an Agricultural Objective to “Preserve agricultural land for future agricultural use by limiting conversion to non-agricultural uses.” The proposed variance will not convert any agricultural land to non-agricultural uses. Therefore, the request is consistent with the intent of the Land Use Plan.
3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
All indicated yes. The applicants’ proposal is as reasonable as possible. Because they are unable to acquire additional land, they are unable to meet the one-acre buildable requirement for the dwelling. In addition, without being able to acquire additional land to the east, they are unable to meet the rear yard setback. The side yard setbacks are also not able to be met because the existing buildings are closer than 100 feet from each other. The placement of the lot line between the dwelling and the shed that houses the business is reasonable.
4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
All indicated yes. Due to unique circumstances with the layout of the property and the inability to acquire more land, the property cannot be split without requiring variances.
5. The variance will not alter the essential character of the locality.
All indicated yes. The division of the parcel will not alter the character of the locality. The use of the adjoining property for agriculture will continue and should not be impacted or altered by the variance.
6. The practical difficulty includes more than economic considerations alone.
All indicated yes. The practical difficulty is based on more than economic considerations. The existing layout of the property is a primary factor and the inability to acquire additional land is a secondary factor.

There was no further discussion and no further questions.

Mr. Smentek made a motion to approve the variance and to adopt the findings as proposed by staff.

Mr. Jacques seconded the motion and the motion carried unanimously by a roll call vote.

BOA 07-20

Kent Wilson Jones – Request for review and approval of a variance to reduce the required public road frontage and lot width from 150 feet to 35 feet for the purpose of creating a new parcel of land. The property is zoned agricultural and is within the shoreland overlay district of a nearby unnamed stream. The property is located in the Northeast Quarter of the Northwest Quarter of Section 5, Judson Township. The property has a location address of 51209 State Hwy 68, Lake Crystal MN 56055.

Mr. Leary presented the staff report.

There was no public comment.

Mr. Jacques commented on the creativity of the staff report.

Mr. Smentek stated he had no comments and asked to move on to the findings of fact checklist.

The Board moved on with the findings-of-fact checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: Kent Wilson Jones

Date: 07/01/2020

Parcel #: R38.07.05.100.004

Variance Application #: BOA 07-20

The criteria for the granting of a variance are set forth in Chapter 24 of the Blue Earth County Ordinance, Section 24-48(j). Variances will only be issued when the Board of Adjustment answers “Yes” to each of the six questions set forth below.

1. The variance is in harmony with the general purpose and intent of the official control.
All indicated yes. The parcel was created in 1988 and was compliant with the regulations at that time. In 2012, the zoning ordinance was amended to require 150 feet of road frontage and a minimum lot width of 150 feet. In this case the official control was amended which resulted in the non-conforming width and frontage. In addition, the applicant has indicated that access to the intended parcel will utilize the existing access to and from State Hwy 68. Therefore, the request appears to be in harmony with the general purpose and intent of the official control.
2. The variance is consistent with the intent of the Comprehensive Plan.
All indicated yes. The Blue Earth County Land Use Plan, as adopted in 2018, includes an Agricultural Objective to “preserve agricultural land for future agricultural uses by limiting conversion to non-agricultural uses.” The proposed variance will allow the creation of a parcel without using any existing cropland. Therefore, the request appears to be consistent with the intent of the Land Use Plan.
3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
All indicated yes. The zoning chapter of the Code of Ordinances requires a minimum lot width of 150 feet and a minimum of 150 feet of frontage to a public road. The shape of the applicant’s 16.48 -acre parcel makes it impossible to meet these 150-foot requirements without acquiring additional cropland to the west. Within his existing parcel, the applicant has the options of using the existing driveway and branching off for access to the intended parcel or constructing a separate driveway. A variance to reduce the road frontage and lot width requirements and to make use of an existing

driveway, or to use the applicants existing land area to provide access to the intended parcel, appears to be a reasonable request that is not allowed by an official control.

4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.

All indicated yes. This property was created in 1988 and prior to the adoption of the current zoning regulations. The sub-standard panhandle width creates a unique issue for the owner when trying to split the property. The location of the existing driveway and the shape of the property presents circumstances that are unique to this property and not created by the landowner.

5. The variance will not alter the essential character of the locality.

The essential character of the locality is a mix of agricultural uses, farm and non-farm dwellings, and wooded areas. It is unlikely that reducing the required road frontage or panhandle width to allow a parcel split for the intended purpose of creating a new parcel for development will alter the essential character of the locality. Therefore, it appears the issuance of the variance will not alter the essential character of the locality.

6. The practical difficulty includes more than economic considerations alone.

The practical difficulty in this request is related to the width of the existing access panhandle of the 16.48-acre parcel. The applicant has talked with the neighboring landowner but does not have any commitment from him to sell the needed acreage. If able to acquire the needed acreage, that additional land may be taken out of agricultural production which is contrary to the Land Use Plan objective to preserve agricultural land. Therefore, it appears as if the practical difficulty in this request includes more than economic considerations alone.

There was no further discussion and no further questions.

Mr. Smentek made a motion to approve the variance and to adopt the findings as proposed by staff.

Mr. Jacques seconded the motion and the motion carried unanimously by a roll call vote.

BOA 08-20

Corey & Jamie Marie Hoppe – Request for review and approval of a variance to reduce the required setback from the center of a county road from 130 feet to 80 feet for the purpose of constructing a 30,000-gallon LP tank. The site is zoned agricultural and is located in part of the Northeast Quarter of the Southwest Quarter of Section 26, Decoria Township. The property has a location address of 17188 592nd Avenue, Mankato MN 56001.

Mr. Rohlfing presented the staff report.

The applicant participated in the virtual meeting. He further explained the congestion of the area between the grain storage area and the proposed location of the LP tank.

There was no other public comment.

The Board moved on with the findings-of-fact checklist

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: Corey Hoppe

Date: 07/01/2020

Parcel #: R35.14.26.300.010

Variance Application #: BOA 08-20

The criteria for the granting of a variance are set forth in Chapter 24 of the Blue Earth County Ordinance, Section 24-48(j). Variances will only be issued when the Board of Adjustment answers “Yes” to each of the six questions set forth below.

1. The variance is in harmony with the general purpose and intent of the official control.
All indicated yes. In this case, the official control is related to the required setback from the center of a County Road. The County Public Works Department indicated no concern with the request. In addition, these setback requirements are typically related to safety along roads which allow traffic to move at an increased speed. The layout of the road and surrounding topography do not create sight line issues for drivers of through traffic, safety should not be a concern. Therefore, the request appears to be in harmony with the general purpose and intent of the official control.
2. The variance is consistent with the intent of the comprehensive plan.
All indicated yes. The Blue Earth County Land Use Plan, as adopted in 2018, includes an Agricultural Objective to “adapt to changes in agricultural trends to ensure that policies and regulations support continued agricultural production.” The proposed Variance will allow placement of an LP gas tank to occur in an area closer to the centerline of County Road 175 for the purposes of improving Agricultural practices. Therefore, the request appears to be consistent with the intent of the Land Use Plan.
3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
All indicated yes. The applicants have a large-scale farming operation that requires large amounts of LP, therefore, a 30,000-gallon LP tank is a reasonable use.
4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
All indicated yes. The farmyard has been around for 150 years and has had some improvements made as the farming operation grew large. The location of the existing grain handling system in comparison with the remaining farmyard and grove of trees to the west, appear to be circumstances that are unique to the property owner, not created by the landowner. The proposed location would also not require existing gas lines to be relocated on the property.
5. The variance will not alter the essential character of the locality.
All indicated yes. The addition of the proposed LP tank will not alter the agricultural character of the area. Therefore, it appears the issuance of the variance will not alter the essential character of the locality.

6. The practical difficulty includes more than economic considerations alone.

All indicated yes. The proposed site for the LP tank meets the 25-foot setback required for insurance purposes. Other possible locations for the storage tank, present potential safety concerns with farming equipment while performing field operations. Therefore, it appears as if the practical difficulty in this request includes more than economic considerations alone.

There was no further discussion and no further questions.

Mr. Smentek made a motion to approve the variance and to adopt the findings as proposed by staff.

Mr. Bill Anderson seconded the motion and the motion carried unanimously by a roll call vote.

6. ADJOURNMENT

Mr. Smentek made a motion to adjourn the meeting. Mr. Jacques seconded the motion and the meeting was adjourned at 7:49 p.m.

Board of Adjustment Chair Date

Board of Adjustment Secretary Date